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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,342	04/20/2001	Joseph I. Kravitz	E14.2-9321	1879
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VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185				
EXAMINER MARKOFF, ALEXANDER				
ART UNIT 1746		PAPER NUMBER		

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,342

Applicant(s)

KRAVITZ ET AL.

Examiner

Alexander Markoff

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/03 has been entered.

Response to Amendment

2. The amendment filed 11/12/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The applicants filed an amendment, which exclude dishware from hard surfaces.

This negative limitation is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 21-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter,

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicants filed an amendment, which exclude dishware from hard surfaces.

This negative limitation is not supported by the original disclosure.

Specification and Claims Interpretation

5. The disclosure is objected to because of the following:

The specification (page 21) states:

For instance, for purposes of claim publication, any dependent claim which follows should be taken as alternatively written in a multiple dependent form from all prior claims which possess all antecedents referenced in such dependent claim if such multiple dependent format is an accepted format within the jurisdiction (e.g. each claim depending directly from claim 1 should be alternatively taken as depending from all 15 previous claims). In jurisdictions where multiple dependent claim formats are restricted, the following dependent claims should each be also taken as alternatively written in each singly dependent claim format which creates a dependency from a prior antecedent-possessing claim other than the specific claim listed in such dependent claim below (e.g. claim 3 may be taken as alternatively dependent from claim 2; claim 5 may be taken as 70 alternatively dependent on claim 2, claim 3 or claim 4; claim 12 may be taken as alternatively dependent from claim 11; etc.).

This is not a proper way to present dependent claims. If the applicants would like the claims be considered they have file them according to the US practice.

The referenced part of the specification creates indefiniteness in scope of the claims and, thereby, should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 21-23 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramachandran et al. (4469605).

Ramachandran et al. teach a method for cleaning laundry using a heavy-duty liquid detergent, which can be used for pre-treating of badly soiled portions of items to be laundered. In reference to claim 22, Ramachandran et al. teach a composition having a builder salt comprising neutralized tripolyphosphate (col. 2, lines 39-55), for pre-treating laundry prior to washing (col. 8-9 bridging). In reference to claim 25, refer to col. 5, lines 50-55. In reference to claims 21 and 23, the limitations are inherently met since Ramachandran teaches pre-treating laundry prior to washing in a washing machine. The steps are inherently met since a washing cycle would include a main wash followed by rinsing with water. In reference to claim 26, refer to col. 1, lines 54-60.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun et al (US Patent No. 5,133,892).

Chun et al. teach a detergent for use in dishwashing. In reference to claims

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21-23, refer to col. 7, lines 5-20, col. 9, lines 55-65. In reference to claim 24, Chun et al. teach 1000ppm of the anionic polymer (col. 8, lines 5-10). In reference to claims 25-26 refer to col. 8, lines 1-7. In reference to claim 27 see col.19, lines 6-18.

As to newly introduced limitation to exclude dishware:

The examiner's position is that it would have been obvious to an ordinary artisan at the time the invention was made that a domestic dishwasher is conventionally cleans not only dishes, but also utensils, pots, containers, parts of small kitchen appliances, etc.

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran in view of Lange (Detergents and Cleaners. A Handbook for Formulators).

Ramachandran fail to specifically teach the type of soil removed from the fabric. However, it would have been within the level of the skilled artisan to have applied the method of Ramachandran for the removal of milk products since Ramachandran et al teach a method of removing soils from laundry and many typical soil stains on laundry result from food and protein containing products such as milk, as conventionally shown in the art (Lange, pages 142-143).

Response to Arguments

11. Applicant's arguments filed 11/12/03 have been fully considered but they are not persuasive.

The applicants amended the claims to exclude dishware from the claims. This limitation has been addressed above.

The applicants argue that *"It has never been explained by the Examiner in the previous Office Actions mailed February 25, 2003 and August 12, 2003, how laundry, which is a soft surface, can be considered by the Examiner to fall under the category of hard surface cleaning. The Applicants do not. Likewise, the art distinguishes between dishwashing and hard surface cleaning, and the Examiner has not explained why dishwashing is considered hard surface cleaning. Clearly, these applications are distinguished in the art over one another."*

This is not persuasive because the claim terminology was interpreted by the examiner in light of the specification.

It is noted that the specification (page 1) specifies the field of the invention as:

FIELD OF THE INVENTION

The present invention relates to an improved method of cleaning hard surfaces wherein a pre-rinse solution comprising water and an anionic polymer is used prior to application of a main wash solution. The pre-rinse solution is particularly useful in removing gross soils including minerals and proteins in both solid and semi-solid form prior to application of the main wash solution. Using the method of the present invention, hard surfaces can be cleaned faster using less water and less chemicals at the later stages of the process than previous methods.

The specification also states on page 3:

The present invention further relates to a multi-step method for cleaning hard surfaces comprising the steps of flushing with a pre-rinse solution comprising water and a partially neutralized anionic polymer, and further comprising at least one other step which is either flushing with at least one other rinse solution which is acidic, caustic or neutral and/or cleaning with a main wash solution.

Further the specification (pages 11-12) states that:

Industries in which the method of the present invention finds utility include dairies, slaughter houses, breweries, feed processing, any type of food processing including fish processing and dairy processing plants, institutional industries such as hospitals and retirement homes, and so forth.

For processing equipment, the surfaces or substrates to be cleaned may include filling machines, sterilizing plates, heat exchangers, bulk tanks, automatic milking machines, pipelines, centrifuges, evaporators, filtration systems and filters extruders, cooking kettles, coolers, sieves, hydrocyclones, and so forth.

Other hard surfaces include silos, and tanks found in transportation vehicles such as semi trailers and rail cars.

In institutional settings the surfaces or substrates might include cookware such as dishes and utensils, textiles such as hospital gowns, sheets and curtains, hard surfaces such as floors, walls, beds, and countertops, and so forth.

The substrates may be comprised of metals, polymers, textiles, filter materials including membrane filters, and so forth.

The present invention may be utilized in any multi-step cleaning process that involves at least a pre-rinse and a main wash. Such multi-step cleaning processes may be used in laundry washing systems, dishwashing, warewashing, hard surface cleaning, heat transfer surface cleaning, clean-in-place systems, and so forth.

The present invention finds particular utility in clean-in-place washing systems such as those used in milking operations for the removal of proteinaceous soils from dairy equipment including the pipelines. One type of clean-in-place (CIP) washing system for use in a dairy operation is discussed in US 5896828 incorporated by reference herein in its entirety. Another type of CIP washing system for use in a liquid foodstuff packaging line is discussed in US 5845683 also incorporated by reference herein in its entirety. Food packaging lines of the type described therein are also referred to as form, fill and seal packaging lines.

Other CIP systems in which the pre-rinse composition and method of the present invention might be used are described in US 4964444, US 4688611, US 4593730, US 4527377, US 4396044, US 4218265, US 3513024, and US 3430639 all of which are incorporated by reference herein in their entirety. The pre-rinse solutions of the present invention may also be utilized in dishwashing systems.

It is clear that the specification considers the subjects of laundry and dishwashing processes as "hard surfaces". The claims were interpreted accordingly.

Moreover, in contrast to the applicant's arguments, the art recognizes dishwashing as hard-surface cleaning. See Handbook of Lange as evidence (Chapter 7, page 165).

Accordingly the examiner remains in the position that the prior art is properly applied.

If the applicants would like to limit the claims to cleaning of specific substrates or surfaces, the claims should positively recite the specific substrates and/or surfaces.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 703-308-7545. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on 703-308-4333.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703--308-0651.



Alexander Markoff
Primary Examiner
Art Unit 1746

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PRIMARY EXAMINER

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